

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2015-50
)	
KEVIN HENLEY,)	
)	
Defendant.)	
)	

ATTORNEYS:

Ronald Sharpe, United States Attorney
Delia Smith, AUSA
United States Attorney's Office
St. Thomas, VI
For the United States of America,

Robert King, Esq.
Law Offices of Robert King
St. Thomas, VI
For Kevin Henley.

JUDGMENT¹

GÓMEZ, J.

Before the Court is the motion of Kevin Henley ("Henley") seeking a judgment of acquittal.

A judgment of acquittal is appropriate if after reviewing the record in a light most favorable to the prosecution, the Court determines that no rational jury could find proof of guilt beyond a reasonable doubt and the verdict is supported by substantial evidence. *United States v. Bobb*, 471 F.3d 491, 494

¹ The Court will issue a memorandum opinion outlining its reasons at a later date.

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(3d Cir.2006). The government may sustain this burden entirely through circumstantial evidence. *Id.*; see also *United States v. Wexler*, 838 F.2d 88, 90 (3d Cir.1988). "It is not [the Court's] role to weigh the evidence or to determine the credibility of the witnesses." *United States v. Cothran*, 286 F.3d 173, 175 (3d Cir.2002)

The premises considered, it is hereby

ORDERED that the motion for judgment of acquittal is hereby **GRANTED**; it is further

ORDERED that Kevin Henley is hereby **ACQUITTED** of the crime alleged at Count One of the Indictment in this matter; it is further

ORDERED that the indictment is **DISMISSED**; it is further

ORDERED that the trial setting in this matter is hereby **VACATED**; and it is further

ORDERED that the Clerk of Court shall **CLOSE** this case.

S\ _____
Curtis V. Gómez
District Judge